



**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

SAO-28-2017 (O&M)

Date of decision : 10.02.2025

Jai Singh

...Appellant

Vs.

Punjab Mandi Board and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arshdeep Bhullar, Advocate
for the appellant.

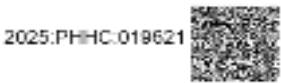
Mr. Vikas Chatrath, Advocate
Mr. Akshay Kalia, Advocate
Ms. Priya Kaushik, Advocate
for respondent No.1.

Respondent No.2 and 4 proceeded against ex parte vide order
dated 15.07.2019.

ANIL KSHETARPAL, J. (Oral)

1. In this appeal, the correctness of the First Appellate Court's order
remitting the matter back to the trial Court has been assailed by the plaintiff.

2. He filed a suit for the grant of decree of declaration that promotion
of defendants No. 4 and 5 is illegal, null and void and the plaintiff was entitled
to be promoted as Auction Recorder and is entitled to all consequential benefits
from such promotion/appointment order including seniority. The defendants
No. 4 and 5 were proceeded against *ex parte*. The trial Court partly decreed the
suit by declaring that the plaintiff is entitled to be considered for the post of
Auction Recorder by way of promotion. Two separate appeals were filed, one
by defendants No. 4 and 5, whereas, second by defendants No.1 and 2. The



First Appellate Court allowed the appeal filed by defendants No. 4 and 5, whereas, the appeal filed by defendants No. 1 and 2 was disposed of as infructuous. The only argument of learned counsel representing the appellant is to the effect that defendants No 4 and 5 have no locus to file the appeal because no relief was granted against them.

3. *Per contra*, learned counsel representing the respondent submits that official respondents have also filed a separate appeal.

4. It is thus evident that all the defendants were aggrieved of the trial Court's judgment. Even if defendants No. 4 and 5 have no locus to file the appeal, still the separate appeal filed by the official defendants was maintainable. Hence, the impugned judgment shall be considered to have been passed in the appeal filed by the official respondents.

5. Learned counsel representing the appellant has not made any other submission.

6. Hence, no ground to interfere is made out.

7. The appeal is dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

10.02.2025
neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No